IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 9753 of 2004

Between:

N. Mahesh Goud, S/o. Narsimhulu Goud,
R/o. Chintalpally Village, Sangareddy Mandal, Medak District.

... PETITIONER

AND

1 The Superintendent of Prohibition & Excise Department, Sanga Reddy,

Medak District.
2 Chintalapally Tappers Cooperative Society, rep by its President, Chintalpally

Village, Sangareddy Mandal, Medak District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declare the action of the 1st respondent in not taking any action on the Representation dated 24-02-2004 submitted by the petitioner for inclusion of his name in the 2nd respondent society i.e., Chintalapally Toddy Tappers Cooperative Society, as illegal, arbitrary and unconstitutional and consequently direct the 1st respondent to dispose of the Representation dated 24-02-2004 submitted by the petitioner and to pass

Counsel for the Petitioner: VADDEMANI SRINIVAS

Counsel for the Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.2: MR PRATAP SINGH

The Court made the following order:

ORDER:

Learned counsel for the petitioner states that previously Toddy Tappers were given T.F.T Licence in respect of the Chintalpally Village, thereafter the toddy tappers formed a Toddy Tappers Cooperative Society – second respondent herein. Unfortunately, the name of the petitioner was not included in the said society and therefore, the petitioner requested the society to include his name but the same was not considered. Aggrieved by the said action the petitioner submitted a representation dated 24.02.2004 to the first respondent, which was also not considered.

Counter has been filed stating that on the representation of the petitioner dated 24.02.2004; the SHO, Sangareddy was directed to submit the required particulars for inclusion of the name of the petitioner in the said society. The SHO, Sangareddy submitted a report stating that the petitioner is minor and he is studying at
St. Anthony High School, Sangareddy in IX Class for the year 2004-05 and his date of birth is 19.07.1991 vide bonafied certificate issued by Head Master, Kranthi Vidyaniketan, Sangareddy dated 13.07.2004 and Principal, St. Anthony High School, Sangareddy dated 17.07.2004.

Therefore, the petitioner is only thirteen years. He is entitled to become a member of the said society only if he attains eighteen years and becomes a major.

In view of the aforesaid counter, I am of the opinion that the petitioner is not entitled for membership of the society till he attains the age of majority.

Accordingly, the writ petition is dismissed. No costs.

_____

V. ESWARAIAH, J

April 11, 2005

Dsk

To

1 The Superintendent of Prohibition & Excise Department, Sanga Reddy, Medak District.

2 Two CCs to GP For Prohibition & Excise, High Court Buildings, Hyderabad

(OUT)

Two CD Copies.